

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

)	Criminal No.: 12-CR-00178 (JNE)
United States of America)	
)	
Plaintiff,)	
)	MEMORANDUM OF POINTS
)	AND AUTHORITIES
Victoria Abeje Ayoola)	
)	
Defendant.)	
)	

I. INTRODUCTION

Defendant Victoria Abeje Ayoola (hereinafter “Defendant”) moves that the Court adopt the recommendations of the Presentence Report (“PSR”) including Defendant’s position regarding sentencing. The Court should impose a sentence of probation under the terms and conditions set herein and order Defendant to pay a \$18,144 fine as agreed by the parties and order no restitution. Defendant adopts and incorporates the instant Final Presentencing Report to her Position Regarding Sentencing.

II. FACTUAL BACKGROUND

Defendant was born in Lagos, Nigeria in March 1963 to into a political family. (PSR ¶36-38). Unlike normal political families in the United States, Defendant’s family in Nigeria fell victim to political retributions. (PSR¶37-39). Defendant’s home was fire bombed and her sister was killed as a result. (PSR¶36). To conceal her identity out of concern for her safety, Defendant migrated to the United States as Oluremi George. Defendant continued to live in the United States as Oluremi George until she petitioned for asylum. While in the United States,

Defendant procured identifying documents as Oluremi George. Upon filing her asylum petition with the Department of Homeland Security, Defendant returned to her true name and identity—Victoria Abeje Ayoola (PSR ¶¶38-40). Defendant did not know that she needed to take formal steps to effect the change. Defendant continued to work and paid her requisite tax obligations with both names. By using both names, Defendant did not intend to mislead anyone. Nonetheless, she applied for rent reduction but did not include part-time income from her Oluremi George identity; rather, she reported only Victoria Ayoola's income. The reduction in rent from 2004 through the present amounts to \$18,114. (PSR. ¶¶9-14).

Defendant appeared before this Court and entered a guilty plea to Counts 5 and 9 of the Indictment. (PSR. ¶ F.1). After the guilty plea, Defendant has fully cooperated with the US Probation Office and the United States Attorney's Office. (PSR ¶ 18) (Plea Agreement and Stipulation). Defendant now comes before this Court seeking that the Court sentence her to probation, along with all other conditions previously expressed above.

III. OFFENSE LEVEL COMPUTATION

Defendant has no objections to the offense level computation.

IV. CRIMINAL HISTORY

Defendant has no objection to the criminal history computation.

V. SENTENCING OPTIONS

Based on the total offense level of 8 points, and criminal history category of 1, the Guideline Range of imprisonment is **0-6 months** in prison. Because of Defendant's speeding acceptance of responsibility and willingness to repair the rent credit amount, Defendant should be given probation. Defendant further requests that her medical condition requires regular management. It is unlikely that her medical condition can be handled properly in prison. (PSR ¶¶43-45)

VI. COOPERATION

Defendant believes that pursuant to her plea agreement with the government and for her speedy acceptance of responsibility, the Court should not commit her to prison.

VII. CONCLUSION

Prior to her indictment, Defendant attended college at Century College in White Bear, Minnesota. (PSR ¶48, 49). Incarceration will interrupt her career plans. Based on the facts, law and the record in its entirety, Defendant moves the Court for a sentence of probation. Defendant knows that her involvement in any criminal activity ended with her guilty plea in the instant case. She would have no reason, other than for lawful and legitimate basis, to be involved with law enforcement or the courts.

Respectfully Submitted,

Dated: November 14, 2012

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